



United States Environmental Protection Agency

## Daily News Briefing

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**TO: ADMINISTRATOR AND SENIOR EXECUTIVES**

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## ADMINISTRATOR:

### McCarthy To Testify Twice Today Regarding EPA Budget.

[Bloomberg BNA](#) (3/21) reports that Administrator McCarthy will be on Capitol Hill today to testify before congressional committees regarding the EPA's 2017 budget request. [Politico](#) (3/21, Collins) reports that the committees "will want to discuss the president's budget request to add \$127 million to the EPA's overall budget." McCarthy will meet with a subcommittee of the House Appropriations Committee in the morning and two subcommittees of the House Energy and Commerce Committee this afternoon.

## AIR:

### Merkley, Wyden Want To Increase EPA Funding For Air Quality Programs.

[KTVZ-TV](#) Bend, OR (3/21) reports on its website that Oregon Democratic Sens. Jeff Merkley and Ron Wyden are calling for increased funding for the EPA to support federal air quality programs after several Portland neighborhoods "learn[ed] last month that there are high levels of heavy metals in the air." In a letter to the Senate Appropriations subcommittee responsible for the EPA's funding, the senators wrote, "The EPA aims to protect air quality but, as we are seeing in Oregon this cannot be done without additional funding to implement air quality programs at a scale that is relevant to defend human health." Additionally, the senators have urged a "revision of hazardous air pollution emission standards under the Clean Air Act."

### Additional Reading.

- **Colorado Lawmakers Want To Halt Tougher Federal Ozone Standard.** [Natural Gas Intelligence](#) (3/21, Nemec)
- **More Air-Quality Alerts Expected For Glynn.** [The Florida Times-Union](#) (3/21)

## BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:

### New Mexico, Colorado Threaten Federal Lawsuits Over Gold King Mine Spill Claims.

The [Cortez \(CO\) Journal](#) (3/21, Marcus) reports that Santa Fe is demanding the EPA reimburse the state of New Mexico \$1.5 million for the short-term emergency response work following the Gold King Mine spill. If the EPA does not, New Mexico Environment Department Secretary Ryan Flynn "said his department is prepared to head to court." In addition, Santa Fe is demanding financial and technical support from the EPA "for a long-term monitoring plan it developed in partnership with Utah," as well as a "seat at the table for ongoing Superfund discussions." Marking a "departure from the unity promised" by New Mexico and Colorado immediately after the spill, Flynn told reporters on Tuesday that "his researchers reject assertions" from Gov. John Hickenlooper "that the Animas River quickly returned to safe pre-event conditions." Meanwhile, Colorado Attorney General Cynthia Coffman "asked the EPA to quickly resolve individuals' claims."

## CLIMATE CHANGE:

### McCabe: Specific Deadline For Clean Power Plan Remain Uncertain.

Bloomberg BNA (3/21) reports that Janet McCabe, the EPA's acting assistant administrator for air and radiation, said it is "a little premature to be speculating specifically about the compliance dates in the Clean Power Plan" as litigation moves forward. In the meantime, McCabe said the EPA will continue to work on some Clean Power Plan programs, such as the Clean Energy Incentive Program and model trading plans.

### **McConnell Tells Governors To Stop Working To Comply With Clean Power Plan.**

In a letter addressed to the National Governors Association on Monday, Senate Majority Leader McConnell told state officials "to stop their work toward complying with the Obama Administration's climate change rule for power plants," The Hill (3/21, Cama) reported. In the letter, McConnell said the Supreme Court's decision to stop the Clean Power Plan "validated his earlier advice for states to ignore the regulation and not try to comply." McConnell wrote, "This is precisely why I suggested a 'wait-and-see' approach with respect to the CPP last year. ... Given the Supreme Court's recent stay of the CPP and the painful lessons of [the mercury and air toxics standards], 'wait-and-see' remains the most responsible approach today."

The AP (3/21) reports that McConnell's efforts to defy the Obama Administration's fight against climate change will likely push a final decision on the issue to the next president.

### **Court Denies Conservative Group's Brief Arguing "Collusion" Invalidates Clean Power Plan.**

The Hill (3/21, Cama) reports that the Court of Appeals for the District of Columbia Circuit has denied the conservative Energy and Environment Legal Institute's request to file its own argument in the legal case against the Clean Power Plan. E&E Legal wanted to present the argument that the EPA "improperly colluded with environmental lobbyists in formulating the Clean Power Plan" and invalidating the regulations. E&E Legal is still participating in the litigation with other groups, but it isn't allowed to file its own separate brief.

### **State Department's Climate Envoy Steps Down.**

The AP (3/21) reports that Todd Stern, the State Department's "lead negotiator for last year's global climate deal," has announced he "is stepping down." In a statement, Secretary of

State Kerry hailed him for "his mastery of the climate challenge and all of its nuances, his diligence and his negotiating skills." Bloomberg News (3/21, Ryan) reports Kerry praised Stern for his "enormous role in achieving so many of our climate milestones." He also said that Jonathan Pershing, senior climate adviser to US Energy Secretary Ernest Moniz, will take Stern's place. Reuters (3/21) reports Stern will be leaving his post April 1.

### **UN: Increasingly Warm Global Temperatures New Normal.**

The AP (3/21, Keaten, Borenstein) reports that the World Meteorological Organization issued its annual climate report pointing out that "not only was 2015 breaking records on the surface but also hundreds of meters deep in the ocean." David Carlson of the World Climate Research Program said global temperatures are on an upward slope, "so the normal is going to be increases: It's going to be increased temperature, increased ocean heat content, loss of ice, we know all of these things."

### **Soaring Global Carbon Emissions Explained In Light Of Stagnant Annual Emissions.**

Think Progress (3/21) contributor Joe Romm argues that delaying action to reduce carbon dioxide emissions is "dangerous and costly." To make his point, Romm addresses confusion over how recent findings show 2015 experienced the biggest jump in global CO2 levels ever measured, while energy-related CO2 emissions remained flat. He explains "that CO2 levels will continue rising if we merely keep annual CO2 emissions flat," as "annual CO2 emissions are very different from global CO2 levels."

### **Ex-New Hampshire Governor Gregg Says Nuclear Power Has Bipartisan Appeal.**

Writing in The Hill (3/21), former governor and three-term New Hampshire senator Judd Gregg (R) argues that nuclear power is an area where both political parties may be able to find common ground. Gregg says that nuclear power can help Democrats achieve significant carbon emissions, while Republicans can tout nuclear plants as "good economic and energy policy."

### **Additional Reading.**

- ***A Vegetarian World Would Be Healthier, Cooler And Richer: Scientists.*** Reuters (3/21, Rowling)

- **Feds, Groups Reach Tentative Deal Over Oil Lease Emissions.** The [AP](#) (3/21, Volz)
- **Natural Gas Expected To Be Our Top Source Of Electricity This Year For The First Time Ever.** The [Washington Post](#) (3/21)

## **HAZARDOUS WASTE:**

**Smith Named To Lead State Hanford Cleanup Regulatory Program.** The [Tri-City Herald \(WA\)](#) (3/21, Cary) reports that Port of Seattle attorney Alex Smith “has been named the new manager of the Washington state office that helps regulate cleanup at the Hanford nuclear reservation.” Smith replaces Jane Hedges who is retiring. Smith said she plans to work with DOE, the EPA, the tribes and the local community to ensure a timely and effective cleanup of Hanford,

## **OTHER:**

### **Additional Reading.**

- **Anti-Porn Push At Federal Agencies Enters Latest Chapter.** [Bloomberg BNA](#) (3/21)

## **PESTICIDES:**

**Daily Caller: EPA “Effectively Banned” Pesticide That Puerto Rico Is Using Against Zika.** The [Daily Caller](#) (3/21, Bastasch) writes that “buried at the bottom” of a recent New York Times exposé on Puerto Rico’s fight against the Zika virus “is something the Environmental Protection Agency probably doesn’t want you to know.” According to the Caller, “the EPA effectively banned a powerful pesticide used to kill mosquito larvae by making it unprofitable for companies to produce the chemical,” which has left Puerto Rico with only a nine-month supply of the chemical. Audrey Lenhart, a C.D.C. entomologist, describes the situation as a “very inconvenient coincidence,” and believes the EPA may issue an emergency use permit for more of the chemical, known as temephos.

**Microbes May Replace Conventional Farming Pesticides.** [Wired](#) (3/21, Zhang) reports that agricultural companies are looking to microbes and other biological options as a replacement for pesticides. Large companies including Bayer and Monsanto have invested

billions of dollars into naturally-derived products. Smaller companies are looking towards non-synthetic biostimulants. Agricultural companies as a whole are facing the challenge of the expensive screening process for organic products; companies that synthesized chemicals already “know how those chemicals work.”

### **Additional Reading.**

- **EPA Tells Court It Needn’t Mandate Pesticide Disclosure.** [Law360](#) (3/21, Koenig)
- **Fewer Animals Used Under Draft EPA Pesticide Guide.** [Bloomberg BNA](#) (3/21, Rizzuto)

## **RULES/REGULATIONS/POLICY**

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**Michigan AG Schuette Petitions Supreme Court To Block EPA Rules On Mercury Pollution.** [Crain’s Detroit Business](#) (3/21, Greene) reports that Michigan Attorney General Bill Schuette has issued a petition asking the US Supreme Court “to hear his appeal to block the EPA’s mercury and air toxics standards rule.” Schuette argues that the Supreme Court should freeze implementation of the rule because the previous ruling in July – decided in a 5-4 vote – “didn’t consider the costs to industry of implementing the rule.” Officials with Michigan utilities Consumers Energy Co. and DTE Energy Co. said they are prepared to meet the EPA’s new rules. However, Michigan Gov. Rick Snyder “has suspended action by the state to comply with the rule.”

**EPA Study Cited In Defense Of Hydraulic Fracturing.** Writing in the [Daily Signal](#) (3/21), Nicolas Loris, a fellow at the Heritage Foundation, argues that scientific evidence from government agencies and independent analyses has proven that hydraulic fracturing is safe for America’s drinking water. He cites an EPA study published in June of 2015, described as “the most comprehensive government study on fracking’s impact so far,” which found no evidence of “widespread, systemic impacts on drinking water resources in the United States.” Loris touts fracking as a “needed boon to the American economy,” and urges Congress to “resist the demands of the environmental lobby

and put more authority in the hands of the states, not less.”

## **TOXICS/TSCA:**

**Hundreds Of Baltimore Kids Still Poisoned By Lead Every Year.** On its “All Things Considered” program and in its “Shots” blog, [NPR](#) (3/21, Ludden) reports that Baltimore “has seen a dramatic decline in cases of lead poisoning, down 86 percent since 2002.” Still, “hundreds of Baltimore children are still poisoned every year.” Many of these kids live “in neglected and old houses in low-income neighborhoods.” While there is a state law that allows tenants to “to notify their landlord...if they see chipping, peeling or flaking paint and to get the landlord to fix that,” landlords “don’t always fix the problem.” Moreover, the state and the EPA are currently “investigating one private inspector who may have wrongly certified nearly 400 rental units as lead-free.”

### **Additional Reading.**

- ***As EPA Delves Into Long-Term Health Effects Of Artificial Turf, Towns Continue Field Installation.*** [WHYY-FM](#) Philadelphia (3/21, Benshoff)

## **TRASH/RECYCLING/COMPOSTING/SOLID WASTE:**

### **Additional Reading.**

- ***EPA Urges DC Circ. To Uphold Regs On “Sham Recycling.”*** [Law360](#) (3/21, Parker)

## **WATER:**

**Michigan Governor Lays Out Flint Recovery Plan.** The [Detroit Free Press](#) (3/21, Egan) reports Michigan Gov. Rick Snyder released a “75-point plan” to help Flint recover from its water crisis. In a news release, Snyder said, “We are committed to addressing immediate concerns and finding long-term solutions to improve the quality of life for the people of Flint.” The [AP](#) (3/21, Eggert) reports part of the plan calls for Michigan to adopt a “much higher standard” regarding lead-contamination in water. Snyder spokesman Ari Adler criticized the EPA’s lead-corrosion rule as “dumb and dangerous” also saying, “About 10 percent of your population could

have lead in their water over the action limit and the EPA will sign off and say that your municipal water system is OK.”

[MLive \(MI\)](#) (3/21, Acosta) reports the plan includes “short, intermediate and long-term goals focusing on topics including health and human services, water supply and infrastructure, education, jobs and economic development.” In a statement, Gov. Snyder said many state departments, local officials, and Flint residents had been involved in developing the plans. In another article [MLive \(MI\)](#) (3/21, Acosta) quotes Flint Mayor Karen Weaver responding to the plan, “As I’ve said before, we didn’t deserve what happened to us, but we definitely deserve the help and resources needed to repair the damaged that has been caused.”

The [Detroit News](#) (3/21, Oosting) reports that Snyder’s proposal could “run into resistance depending on how stringent it is,” as higher water quality standards will cost local governments.

[Christian Science Monitor](#) (3/21, Mendoza) reports that the needs of children impacted by the crisis will be a key focus of the plan. The proposal includes funding to build more child health centers to provide “professional support from state health officials for children under 6 who showed high blood-lead levels.”

The [Daily Caller](#) (3/21, Wolf) reports that the AFL-CIO, the largest federation of unions in the nation, derided Gov. Snyder as unintelligent for dodging Flint water crisis questions at a recent event in Washington, D.C.

***Galvanized Pipes May Be Contributing To Water Crisis.*** [MLive \(MI\)](#) (3/21) reports “state and federal regulators are working to determine if galvanized pipes are also contributing to” Flint’s water problems. Michigan Department of Environmental Quality’s chief of the Office of Waste Management and Radiological Protection Bryce Feighner said, “(We’re) proactively removing some galvanized service lines along with lead service lines.”

***Co-Chair Of Michigan Governor’s Task Force On Flint Says Final Report Will Have A “Surprise.”*** [MLive \(MI\)](#) (3/21, Ellison) reports Ken Sikkema, the co-chair of Gov. Snyder’s task force assigned with reviewing the Flint water crisis, has said the group’s report will have a surprise. The former Michigan Senate Republican majority leader said, “We’re going to cite something that really did work. I’m not going to tell you what it is, but it will surprise you.”

**EPA Water Expert Crucial To Action In Flint Water Crisis.** [WDIV-TV Detroit](#) (3/21, Dietz) reports that warnings from EPA water expert Miguel Del Toral were critical in warning people about the danger of lead in Flint's drinking water. Del Toral "first warned Flint in February 2015, 11 months before a state of emergency was issued." When those warnings were ignored, Del Toral "wrote a draft report and leaked it to the public."

**Genesee County Says State Should Reimburse Them For Aiding Flint Or Else People Will Lose Jobs.** [MLive \(MI\)](#) (3/21, Adams) reports Genesee County Board of Commissioners Chairman Jamie Curtis says the county may lay off two dozen workers if the state does not reimburse the county for \$1.1 million it has spent to aid Flint. Curtis said the state reimbursing the county is "the right thing to do because Genesee County did not participate in any way shape or form in the decision for Flint, Michigan to use the river."

**Former EPA Official Criticizes Too Little State-Federal Cooperation, Over-Regulation.** In a letter to the [Wall Street Journal](#) (3/21), Robert Martin Jr., who served as New England regional counsel for the EPA under President Reagan, says that during his seven-year tenure at the EPA he witnessed too little state-federal cooperation and too much regulation. He concludes that the finger-pointing in the wake of the Flint tragedy proves we don't need the EPA in addition to state environmental agencies.

**More Commentary.** Writing in [The Hill](#) (3/21), Rep. Earl Blumenter (D-OR) says that the tragedy in Flint "sheds light on systemic failures of crumbling water systems all over the country," and calls on national and global efforts to improve water infrastructure.

According to [Morning Consult](#) (3/21) columnist Jack Fitzpatrick, "The idea that EPA should have acted when it comes to Flint and been less aggressive in other areas sets up an awkward tension for Tuesday's budget hearings." The hearings will address a bill that would direct the EPA to supersede state agencies to notify the public directly of unsafe drinking water, while discussing the EPA's "relentless regulatory pursuit."

Tracey Ross with the Poverty to Prosperity Program at the Center for American Progress argues in the [Huffington Post](#) (3/21) that trust in the government has "effectively been destroyed" in Flint, which has specific consequences for the city's African American residents. She urges

community leaders and local officials to acknowledge and address the long-term impact of this tragedy on that demographic.

## Additional Reading.

- **Climate Change Is Contaminating Water Sources With Fecal Matter.** The [Huffington Post](#) (3/21, Goldberg)
- **Ohio Village Hit By Lead In Drinking Water Gets US Grant.** The [AP](#) (3/21)
- **Where's WARPA? Why Water Needs More Advanced Research.** [The Hill](#) (3/21, Rose)

## LAST LAUGHS:

### Late Night Humor.

**Jimmy Fallon:** "The big story is President Obama's historic visit to Cuba that's going on right now. I saw that after landing yesterday, Obama immediately tweeted out, 'What's up, Cuba?' And Cubans opened up a window and yelled, 'We don't have the Internet! It's like 1955 here!'"

**Jimmy Fallon:** "Donald Trump tweeted that Raul Castro disrespected the President by not greeting him at the airport. Seriously? Our countries have been enemies for 60 years. I can't even get my best friend to pick me up at the airport."

**Jimmy Fallon:** "Mitt Romney announced on Facebook that he will vote for Ted Cruz over Donald Trump in tomorrow's Utah caucus because he doesn't believe John Kasich can actually win. And if there's one thing Romney's an expert on, it's not winning."

**Jimmy Fallon:** "A lot of people actually think John Kasich would make a good pick for vice president. But Kasich said in an interview yesterday that he will not be vice president under any circumstances. When he heard that, Joe Biden was like, 'Seriously? I did it for a \$20 gift card to GameStop.'"

**Seth Meyers:** "A new study shows Donald Trump speaks with the poorest grammar of any presidential candidate. Trump said, 'It's actually the poorest.'"

**Seth Meyers:** "Donald Trump announced over the weekend that he will release a list of judges that he would consider appointing to the Supreme Court if he's elected president. Though you can get a sneak peek at the list by checking out TV Guide."

**Seth Meyers:** “Democratic National Committee head Debbie Wasserman Schultz today denied accusations that she is taking sides in the primary election season, and said, quote, ‘There is no shred of evidence to suggest I’m favoring Hillary Clinton over Bernie Socialist – I mean Bernie Sanders, my apologies.’”

**Seth Meyers:** “Bernie Sanders this weekend gave a speech at the Mexican border. Actually, he was in Vermont, but they could hear him at the Mexican border.”

**Seth Meyers:** “Bernie Sanders’ campaign has confirmed that he will not speak at a major pro-Israel lobbying group conference this week, making him the only presidential candidate to skip it. And if any candidate can get away with that, it’s Bernie from Brooklyn. Look at him. If Israel were a person, that’s what it would look like.”

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